

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
DONALD C. HUTCHINS	)	
	)	Civil Action: 04-30126-MAP
Plaintiff	)	
	)	
v.	)	JUDGE MICHAEL PONSOR
	)	
CARDIAC SCIENCE, INC.	)	
	)	
Defendants	)	
_____	)	

**DEFENDANT COMPLIENT CORPORATION'S  
MOTION FOR DISMISSAL WITHOUT PREJUDICE**

Pursuant to the Court's Memorandum and Order of September 27, 2006, granting summary judgment to Defendant, Compliant Corp., and requesting a report on the status of Compliant's counterclaims against Plaintiff, Donald C. Hutchins, Compliant hereby gives notice that it intends to dismiss those counterclaims without prejudice. Accordingly, Compliant hereby moves this Court, pursuant to Fed. R. Civ. P. 41(a)(2) and (c), for an order dismissing its counterclaims without prejudice.

Respectfully submitted,

/s/ Jeffrey J. Lauderdale  
WILLIAM E. COUGHLIN (0010874)  
COLLEEN MORAN O'NEIL (0066576)  
JEFFREY J. LAUDERDALE (0074859)  
CALFEE, HALTER & GRISWOLD LLP  
1400 McDonald Investment Center  
800 Superior Avenue  
Cleveland, Ohio 44114  
(216) 622-8200  
(216) 241-0816 (facsimile)

JOHN J. EGAN (151680)  
EGAN, FLANAGAN & COHEN, P.C.  
PO Box 9035  
67 Market Street  
Springfield, MA 01102-9035  
(216) 622-8200  
FAX (216) 241-0816

Attorneys for Defendant,  
Compliant Corporation

**CERTIFICATE OF SERVICE**

I certify that, on October 16, 2006, I electronically filed a copy of the foregoing Motion for Dismissal Without Prejudice and that parties to the case, registered with the Court's electronic filing system, will receive electronic notice of such filing. A copy of the foregoing was also served upon the following via first-class U.S. mail on today's date:

Donald C. Hutchins  
1047 Longmeadow Street  
Longmeadow, Massachusetts 01106  
Pro Se

/s/ Jeffrey J. Lauderdale  
One of the Attorneys for Defendant,  
Compliant Corporation